

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, EXTENDING URGENCY ORDINANCE NO. 3246 UNTIL AND THROUGH AUGUST 26, 2015, WHICH ESTABLISHES A MORATORIUM ON NEW OR EXPANDED IRRIGATED CROP PRODUCTION, CONVERSION OF DRY FARM OR GRAZING LAND TO NEW OR EXPANDED IRRIGATED CROP PRODUCTION AND NEW DEVELOPMENT DEPENDENT UPON A WELL IN THE PASO ROBLES GROUNDWATER BASIN UNLESS SUCH USES OFFSET THEIR TOTAL PROJECTED WATER USE, INCLUDING CERTAIN EXEMPTIONS

THE COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS ordains as follows:

Section 1. Findings and Declarations.

- A. On August 27, 2013, the San Luis Obispo County Board of Supervisors ("Board of Supervisors") adopted a 45-day urgency ordinance, Ordinance No. 3246 ("Ordinance"), pursuant to Government Code Sections 25123, 25131 and 65858. The Ordinance temporarily prohibits the establishment of new or expanded irrigated crop production, conversion of dry farm or grazing land to new or expanded irrigated crop production, and new development dependent upon a well in the Paso Robles Groundwater Basin unless such uses offset their total projected water use by a ratio of 1:1. The ordinance also requires the installation of meters on new wells associated with the above uses. The ordinance specifies uses that are not subject to the ordinance and includes exemptions. The ordinance applies to all properties located within the unincorporated areas of San Luis Obispo County that overlie the Paso Robles Groundwater Basin ("Basin") except those properties that overlie the Atascadero Sub-Basin, and properties served by Community Service Area 16 and San Miguel County Services District.
- B. Pursuant to Government Code section 65858, after notice and public hearing, the Board of Supervisors may by four-fifths vote extend the Ordinance for 22 months and 15 days, if the Board finds and determines that the adoption of this Ordinance as an urgency ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare pursuant to the requirements of Government Code sections 25123, 25131, and 65858, and is necessary to provide additional time to prepare the studies and reports required to consider a comprehensive ordinance and/or general plan amendment addressing water shortages within the Paso Robles Groundwater Basin.
- C. In enacting urgency Ordinance No. 3246, the Board of Supervisors made several findings and declarations constituting the grounds upon which the Ordinance is based, concluding that due to the recent rates of decline of water levels in the Basin, the reported increase in incidences of well failures within the Basin, and the rate of establishment of new uses dependent on water from the Basin, continuing to allow the establishment of new water-intensive uses within the Basin poses a current and immediate threat to the people, species, and environs that currently depend on that Basin, and to the public, health, and welfare as a whole.

- D. On October 1, 2013, prior to the expiration of the Ordinance and in accordance with the requirements of Government Code sections 25123, 25131, and 65858, the Board of Supervisors held a duly noticed public hearing on whether to extend the Ordinance for up to 22 months and 15 days, until and through August 26, 2015. The Board of Supervisors heard and considered all evidence, both written and oral, that was duly presented during said hearing.
- E. The Board of Supervisors' findings and declarations as contained in the Ordinance remain and continue to be true under the present circumstances and are incorporated herein in their entirety by this reference.
- F. As stated in those findings and declarations contained in the Ordinance, the County is contemplating amendments to its general plan and/or zoning ordinance to address the problem of dangerously declining water levels within the Basin. The County continues to need more time to complete the necessary studies and reports to fully evaluate and support such contemplated amendments, while the current and immediate threat to health, safety, and welfare continues to exist.
- G. The extension of the Ordinance for 22 months and 15 days is necessary for continued study of the Paso Robles Groundwater Basin and development of potential regulatory revisions for presentation to the Board of Supervisors. In light of said findings and declarations contained herein and in the Ordinance, a current and immediate threat to the public health, safety and welfare continues to exist, necessitating the extension of the Ordinance until and through August 26, 2015, pursuant to Government Code sections 25123, 25131, and 65658.
- H. This ordinance is exempt from the California Environmental Quality Act (Public Resources Code §21000, et seq.) ("CEQA") because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it extends the term of regulations that protect the Paso Robles Groundwater Basin from further depletion (CEQA Guidelines §15061(b)(3)); because it consists of an extension of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of a natural resources, namely the water within the Paso Robles Groundwater Basin (Class 7, CEQA Guidelines §15307); and because it consists of the extension of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of the environment, including the water resources within the Paso Robles Groundwater Basin and all of the people, species, and environs that rely on that resource (Class 8, CEQA Guidelines §15308). This ordinance is also exempt from CEQA because it is the extension of an urgency ordinance that prevents or mitigates impacts from the sudden, unexpected failure of a large number of residential wells within the Paso Robles Groundwater Basin, which poses a clear and imminent danger to other residential and agricultural wells in the basin and to the species and environment that rely on that water, and which requires immediate action to prevent or mitigate the loss of, or damage to, life, health, property, and essential public services. This emergency project, therefore, qualifies for an exemption under Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c).

Section 2. Extension

Based on all of the foregoing findings and declarations, urgency Ordinance No. 3246 shall be extended until and through August 26, 2015.

Section 3. Effective Date.

This ordinance extending urgency Ordinance No. 3246 is necessary for the protection of public health, safety and welfare, and shall take effect immediately upon its passage.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of October, 2013, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: September 19, 2013